

REMARKS

Applicants elect the invention of Group I (claims 41-56) for further prosecution in this application, without traverse. In light of this election, applicants have cancelled claims 1-40 directed to non-elected subject matter. The cancellation of these claims is without prejudice to applicants' ability to file and obtain patent protection for claims directed to this cancelled subject matter in applications claiming priority to the present application under 35 U.S.C. § 120.

Applicants also elect as a species compound number IIA-112, which may be found on page 23 of the specification.

Applicants have amended claims 41 and 46 to replace the term "derivative or prodrug" with ---salt---.

Claim 41 is further amended to delete the inadvertent typographical error of duplicating the recitation "or a pharmaceutically acceptable derivative or prodrug thereof, wherein."

Applicants amend claims 53 and 54 to replace the term "therapeutic agent" with a list of specific therapeutics. Support for this amendment is found in the specification at page 55, lines 24-30.

Applicants add claims 57 and 58 directed to specific compounds of the present invention. Support for these new claims can be found in the specification at pages 16-31.

Pending the allowance of claims 41-56, as amended above, applicants request the rejoinder of originally filed process claims 1-40 (in part), pursuant to MPEP §821.04. Specifically, applicants request that the process and composition claims which depend from or otherwise include all the limitations of the patentable product be entered.

In anticipation of said rejoinder, and to expedite the prosecution process, applicants have set forth new claims 59 through 66 directed to the process claims which depend from or otherwise include all the limitations of the patentable product.

Applicants believe that no additional fees are due at this time however, the Commissioner is hereby authorized to charge payment of additional fees required in connection with the paper transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-0725.

None of these amendments adds new matter.

Respectfully submitted,

  
Andrea L. C. Robidoux

Registration No. 47,902

Agent for Applicant(s)

VERTEX PHARMACEUTICALS INCORPORATED

130 Waverly Street

Cambridge, Massachusetts 02139

Tel.: (617)444-6731

Fax.: (617)444-6438